

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**ORDER NO. R9-2002-179
TENTATIVE
WASTE DISCHARGE REQUIREMENTS AND
SECTION 401 WATER QUALITY CERTIFICATION
FOR
PARDEE CONSTRUCTION COMPANY
PACIFIC HIGHLANDS RANCH
PHASE 3 & 4 (UNITS 5 THROUGH 16) PROJECT
SAN DIEGO COUNTY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. Pardee Construction Company (hereinafter discharger) submitted an application for 401 Water Quality Certification and an Application/Report of Waste Discharge on October 22, 2001. The discharger proposes to construct a master planned community (Pacific Highlands Ranch) incorporating approximately 5,000 new residential dwelling units on approximately 1,665 acres within the City of San Diego, California. Pacific Highlands Ranch encompasses approximately 2,652 acres and abuts the northerly limits of the Rancho Penasquitos community and Black Mountain Park. The project site is bounded by Fairbanks Ranch and La Zanja Canyon to the north, Torrey Highlands (Subarea IV) to the east, Del Mar Mesa (Subarea V) to the south, and Carmel Valley to the west. Approximately 52 percent of Pacific Highlands Ranch area will be used for residential, commercial, and public developments. The remaining area of 48 percent (1,275 acres) is within the City of San Diego's Multiple Habitat Planning Area (MHPA) and will be preserved as open space.
2. The implementation of the project will result in the permanent discharge of waste, defined as the placement of fill material (e.g., soil, riprap, culverts), into 1.46 acres of waters of the United States, including wetlands (0.25 acres) and unvegetated waters of the U.S. (1.21 acres), that are tributaries to the San Dieguito and Penasquitos Hydrographic Units.
3. The project may indirectly impact beneficial uses of waters of the State through the discharge of urban runoff pollutants (e.g., oil and grease, heavy metals, pathogens, nutrients, etc.) from the proposed development.
4. To compensate for the permanent fill of 1.46 acres of waters of the United States, the discharger will mitigate at a ratio of three acres restored for every one acre impacted. Mitigation for impacts resulting from Phases 3 and 4 has been included in mitigation for all phases of the development, and in some cases, will be implemented prior to disturbance of

existing waters of the U.S. Mitigation for the entire Pacific Highlands Ranch project (Phases 1-4) includes the creation/restoration of 17.25 acres of wetland/riparian habitat. Of these 17.25 acres of mitigation, 1.50 acres are set aside for the City of San Diego's mitigation for impacts resulting from the construction of State Route-56. The breakdown of habitat types is as follows:

Habitat Type	Acreage
Southern Willow Scrub	12.25
Mulefat Scrub	3.50
Sycamore/Oak Woodland	1.50
Total	17.25

5. The proposed Mitigation Plan will adequately compensate for impacts to water quality and beneficial uses associated with the discharge of fill material.
6. A buffer between the proposed development and preserved drainages will be established according to the plans submitted with the 401/WDR application and as shown on Figures 4 & 5. For the Phase 3 & 4 portion of the project, a minimum buffer of 30 feet will be required, except where it was not feasible (e.g., road crossings), and buffers typically range in width from 75 feet to over 200 feet. The buffer is intended to reduce impacts to water quality that supports beneficial uses, particularly those associated with WARM, COLD, and WILD, that may result from development.
7. This Order specifies Waste Discharge Requirements (WDRs) that are necessary to adequately address impacts to water quality standards resulting from the filling of waters of the U.S., to meet the objectives of the State Wetlands Conservation Policy (Executive Order W-59-93), and to accommodate and require appropriate changes over implementation of the project and its construction.
8. The *Comprehensive Water Quality Control Plan for the San Diego Basin (9) (Basin Plan)* was adopted by the Regional Board on March 17, 1975. Subsequent revisions to the Basin Plan have also been adopted by this Regional Board and approved by the State Board. The Basin Plan designates beneficial uses, narrative and numerical water quality objectives, and prohibitions which are applicable to the discharges regulated under this Order. The project, as described in this Order, will not result in State Water Quality Standards being exceeded.
9. The discharger has avoided and minimized impacts to waters of the U.S. consistent with the requirements of the Basin Plan.
10. The City of San Diego prepared an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act and this document was certified on June 11, 1998. The EIR identified the following mitigation measures to reduce project impacts to water quality below a level of significance:

Issue No.1: Water Quality - Rate and amount of runoff and alterations to the course or flow of floodwaters

- a. Grading and other surface-disturbing activities shall be planned to avoid the rainy season (e.g., November through March).
- b. Prior to the issuance of a grading permit, the grading plan shall locate temporary desilting basins at all discharge points adjacent to a drainage course or where substantial drainage alteration is proposed.
- c. The developer shall, within 90 days of completion of grading activities, hydro-seed landscape graded and common areas with appropriate ground cover vegetation consistent with the biology section of the mitigation requirements (e.g., use of native or noninvasive plants). These re-vegetated areas shall be inspected monthly by a qualified biologist until vegetation has been firmly established as determined by the City's grading inspector.
- d. Compacted areas shall be scarified, where appropriate, to induce surface water infiltration and re-vegetation as directed by the project geologist, engineer, and/or biologist.
- e. Comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
- f. A De-watering Waste Discharge Permit (NPDES No. CA01108804) shall be obtained for the removal and disposal of groundwater (if necessary) encountered during construction.
- g. Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge of hazardous materials during construction.
- h. Post construction erosion control measures shall be implemented where proposed disturbance is adjacent to or encroaches within the existing drainage courses and projected runoff velocities exceed 5 cfs.
- i. Final project design shall incorporate all appropriate BMPs contained in the State permit to be considered in the development of Urban Stormwater Management Plan. Specifically, these may include measures such as the use of detention basins, retention structures, infiltration facilities, permeable pavements, vegetation controls, discharge controls, maintenance (e.g., street sweeping), and erosion controls.
- j. Surface drainage shall be designed to direct urban pollutant runoffs through structural BMPs prior to discharge into natural stream channels or drainage structures. All project-related drainage structures shall be adequately sized to accommodate a minimum 50-year flood event (or other storm events pursuant to direction from the City).
- k. Energy-dissipating structures (e.g., detention ponds, riprap, or drop structures) shall be used at storm drain outlets, drainage crossings, and or downstream of all culverts, pipe outlets, and brow ditches to reduce velocity and prevent erosion.

Issue No.2: Water Quality - San Dieguito River, Los Penasquitos Creek, and Carmel Valley River Enhancement Project drainage basins

- a. Direct impacts to water quality will be mitigated to a level of less than significant by incorporating the mitigation measures identified for issue No.1 above. Current plans call

- for the construction of desilting basins in the sub-area to reduce erosion and sedimentation during and after development.
- b. The exact number, size, design, and location of desiltation/retention basins will be determined in conjunction with future tentative map proposals.
11. The discharger has developed the *Runoff Management Plan for Pacific Highland Ranch* (Plan) (RBF Consulting; April 2002) that provides for regional BMPs, as well as structural and non-structural BMPs throughout the development area. The regional facilities consist of twelve extended detention basins along Gonzales Canyon and McGonigle Canyon tributaries. Structural BMPs include curb inlet baskets, and biofilters located within the development areas. The Plan identifies the following specific BMPs to protect water quality:
- a. Creation of 12 detention basins (total of approximately 16 acres) that will be used during construction and will remain in place as post-construction BMPs to receive urban runoff. Of the 12 detention basins, nine are designed to provide flood-control by reducing the velocity of the flow and providing water quality benefits, and three are designed to provide only water quality benefits. Locations of all proposed basins are shown on Figure 13 of RBF Runoff Management Plan.
 - b. Vinyl sheet pile drop structures with riprap at the upstream and downstream sides will be used to provide the maximum protection and the minimum impacts to the streambed and its vegetation. Drop structures with low drop heights (3 feet) spaced every 300 feet would mitigate for potential long-term channel response.
 - c. Installation of drain inlet filter inserts (e.g., Fossil Filter) that will be used to remove sediment, constituents adsorbed to sediment, and oil & grease. The inserts will be inspected and maintained by the Master Assessment District and their medium will be replaced as needed.
 - d. Installation of curb inlet baskets that will be used to primarily capture material such as leaves, clippings, and other floating trash. As needed inspections and maintenance of each curb inlet will be performed to ensure their effectiveness.
 - e. Biofiltration swales/strips will be used along street parkways, within urban amenities such as parks and school turf areas.
12. The Board has notified the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, City of San Diego, and interested agencies and persons of its intent to prescribe WDRs and Section 401 Water Quality Certification for this discharge.
13. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Pardee Construction Company (hereinafter, discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The discharge of fill material in a manner other than as described in the findings of this Order is prohibited unless the discharger obtains revised waste discharge requirements that provide for the proposed change.
2. Following creation/establishment of the buffer, the following activities are prohibited within the designated buffer areas (as shown on Figures 1 and 2): placing additional man-made structures, altering topography (e.g., grading), use of nonnative plants (e.g., ornamental shrubs), or trimming vegetation.
3. The discharge of fill material and other waste shall not create a pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code

B. MITIGATION PROVISIONS

1. Implementation of wetland and riparian mitigation shall provide the following functional gains:
 - a. Habitat function - Creation of structurally and spatially diverse habitat surrounding riparian areas, in addition to the establishment of a buffer around the habitat, will provide nesting and foraging grounds for birds, amphibians, and other wildlife.
 - b. Biogeochemical/water quality functions - Expansion of wetland areas and the establishment of a buffer shall increase areas for natural water quality functions, such as microbial action that removes toxins, nitrogen, and other nutrients from runoff.
 - c. Hydrologic functions - Expansion of wetland areas will allow greater flood flow attenuation, energy dissipation, and storage during storm events.
2. The discharger shall develop a Final Mitigation and Monitoring Plan for Regional Board approval, that shall be consistent with the *Mitigation Plan* (Recon Environmental Consultants, Inc.; October 4, 2000) and *Functional Monitoring of Wetland Mitigation Sites* (Recon Environmental Consultants, Inc.; March 22, 2002), and shall achieve the following performance standards:
 - a. The created and restored areas must possess the three criteria (wetland hydrology, hydrophytic vegetation, and hydric soils) necessary to be delineated as a Corps jurisdictional area;
 - b. All sites must exhibit signs or evidence of wildlife use for two consecutive monitoring periods;
 - c. All sites must be self-sustaining; and
 - d. All sites must exhibit evidence of natural recruitment of native wetland and/or riparian species.
 - e. Species diversity, as measured by two randomly located, five-meter by 50-meter belt transects per acre, shall be 60, 70, 75, and 75 percent for years 2, 3, 4, and 5, respectively.

- f. Cover by native species, expressed as percent total cover, shall be 40, 50, 60, 70, and 80 percent for years 1, 2, 3, 4, and 5, respectively.
- g. Percent cover of nonnative species shall not exceed 10 percent.

Any changes to the Final Mitigation and Monitoring Plan shall be approved by the Regional Board prior to implementation.

- 3. Not later than 30 days prior to the beginning of grading, the discharger shall submit, acceptable to the Regional Board, a Final Wetland and Riparian Mitigation and Monitoring Plan. The plan shall include all appropriate detail for earthwork, planting, and other proposed work as described below.

The Final Mitigation and Monitoring Plan shall include, but not be limited to, the following:

- a. Proposed channel designs and earthwork for all mitigation areas, including appropriate cross sections and plan views;
 - b. A detailed planting plan, including species lists, plant sizes and numbers, and planting designs;
 - c. An irrigation plan;
 - d. Specific details and plans for all creek sections that will be culverted, bridged, or otherwise crossed or immediately adjoined by paths, structures, or similar improvements; and
 - e. All other information, as appropriate.
- 4. Implementation of the Final Mitigation and Monitoring Plan (described in Finding 4) shall be completed within the same calendar year as impacts occur, or at least no later than 9 months following the close of the calendar year in which impacts first occur (e.g., if impacts occur in June 2001, construction of mitigation for all impacts must be completed no later than September 2002).
- 5. Mitigation areas shall be maintained according to the schedule specified in the Mitigation Plan, as shown below:
 - a. Site protection to assess damages caused by trespassing: Monthly for the first year and quarterly until the site is determined to be successful ;
 - b. Weed control: As needed for the first two years, quarterly for the third year, and twice a year until the site is determined to be successful;
 - c. Trash removal: Monthly for the first year and quarterly until the site is determined to be successful;
 - d. Replanting/seeding: Annually until the site is determined to be successful; and
 - e. Irrigation: As-needed for the first two years and removed in year three.

Maintenance shall include removal of trash and debris, exotic species removal, and implementation of any remedial measures deemed necessary by the restoration biologist, and agreed to by the Regional Board, to ensure mitigation success. Alternative maintenance

schedules that will provide equivalent protection may be implemented upon approval of the Regional Board. For purposes of this requirement, success is defined as meeting the criteria in provisions B1 and B2, and having concurrence from the U.S. Army Corps of Engineers and Regional Board that success criteria have been met.

6. The restoration specialist (as defined in the mitigation plan) shall be onsite, to determine the need for weeding, and will be responsible for coordinating site maintenance with the maintenance contractor. The restoration specialist shall follow the schedule specified in the Mitigation Plan (as shown below), or a schedule acceptable to this Regional Board that provides equivalent protection.
 - a. Qualitative monitoring shall occur weekly for the first 6 months following installation, twice monthly for the remainder of the first year, monthly for the second year, and quarterly until the site has been determined to be successful.
 - b. Quantitative monitoring shall be conducted annually starting in the spring of the second year after installation, and shall continue until the site has been determined to be successful.

For purposes of this requirement, success is defined as meeting the criteria in provisions B1 and B2, and having concurrence from the U.S. Army Corps of Engineers and Regional Board that success criteria have been met.

7. If mitigation areas do not meet their interim and/or ultimate success criteria, the discharger shall prepare, acceptable to the Regional Board, remedial measures to be implemented.
8. Not later than 60 days following the completion of the installation of the mitigation areas, the discharger shall submit, acceptable to the Regional Board, final conservation easements or deed restrictions for all mitigation and preservation areas.
9. No later than 30 days prior to the beginning of clearing/grading, the discharger shall submit, acceptable to the Regional Board, the name(s) and qualification(s) of the qualified restoration biologist(s) responsible for compliance with the certification requirements, as discussed in the above provisions.
10. The discharger shall submit an as-built report within 60 days of installation of the proposed mitigation.

C. SECTION 401 WATER QUALITY CERTIFICATION PROVISIONS

1. Standard conditions applicable to 401 Water Quality Certification:
 - a. Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to CWC §13330 and 23 CCR §3867.

- b. Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR §3855(b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
 - c. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR §3833 and owed by the discharger.
- 2. Any proposed change in construction that may alter flow patterns and/or change the approved impact footprint is prohibited without Regional Board approval. Not later than 30 days prior to the beginning of any proposed change, the discharger shall submit, acceptable to the Regional Board, detailed plans and specifications showing the proposed change in relationship to the approved project.
- 3. The discharger shall ensure protection of all waters of the United States that are to be preserved by implementing the following measures, or equivalent measures that provide the same protection:
 - a. Fencing of all areas to be preserved prior to the start of any clearing/grading activities;
 - b. A restoration biologist shall show all preservation areas to all construction personnel and explain the conditions of this Order and other permits regarding impacts;
 - c. A restoration biologist shall be onsite at least once a week when grading and/or construction activities occur more than 100 feet from a waters of the U.S. or State that is to be preserved. When grading and/or construction activities occur within 100 feet of a waters of the U.S. or State that is to be preserved, the biologist shall be onsite daily. The biologist shall be given the authority to stop all work onsite if a violation occurs or has the potential to occur.

The discharger shall specify the protection measures that will be used in the Final Mitigation and Monitoring Plan.

- 4. Not later than 60 days prior to the beginning of grading, the discharger shall submit, acceptable to the Regional Board, a detailed Water Quality Plan. This plan shall include, but not be limited to, identification of pollutants expected to be generated by the proposed project, identification of specific Best Management Practices, their treatment efficiency with regards to expected pollutants, specific locations, specific maintenance requirements, and maintenance responsibilities. Implementation of the Water Quality Plan shall occur in conjunction with project initiation.
- 5. The discharger shall notify the Regional Board in writing at least 30 days prior to actual start dates for each project component (e.g., grading, installation of mitigation).

D. STANDARD PROVISIONS

1. The discharger shall notify the Regional Board by telephone within 24 hours whenever an adverse condition occurs as a result of this discharge. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. Pursuant to CWC §13267(b), a written notification of the adverse condition shall be submitted to the Board within one week of occurrence. The written notification shall identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to the modifications of the Regional Board, for the remedial actions.
2. The discharge of any hazardous, designated or non-hazardous waste as defined in Title 23, Division 3, Chapter 15 of the California Administrative Code, shall be disposed of in accordance with applicable state and federal regulations.
3. This Order is not transferable to any person except after notice to the Regional Board. In accordance with CWC §13260, the discharger shall file with the Board a report of any material change or proposed change in the ownership, character, location, or quantity of this waste discharge. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgment that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on. Any proposed material change in operation shall be reported to the Regional Board at least 30 days in advance of the proposed implementation of any change. This shall include, but not be limited to, all significant new soil disturbances, all proposed expansion of development, or any change in drainage characteristics at the project site. For the purpose of this Order, this includes any proposed change in the boundaries of the wetland/waters of the United States fill sites. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code.
4. The discharger shall maintain a copy of this Order at the project site so as to be available at all times to site operating personnel and agencies.
5. The discharger shall permit the Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Order.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order.
 - d. Sampling of any discharge or surface water covered by this Order.

6. This Order does not authorize commission of any act causing injury to the property of another or of the public; does not convey any property rights; does not remove liability under federal, state, or local laws, regulations or rules of other programs and agencies, nor does this Order authorize the discharge of wastes without appropriate permits from other agencies or organizations.
7. The Regional Board will consider rescission of this Order upon notification of successful completion of mitigation for all creation, and enhancement projects required or otherwise permitted now or subsequently under this Order, completion of project construction, and the Regional Board's acceptance of these notifications. Determination of mitigation success will be based on the provisions discussed above.
8. The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.
9. The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the Regional Board within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Regional Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
10. The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
11. In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies for example, when the primary source of power of the treatment facility is failed, reduced, or lost.
12. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
 - a. Violation of any terms or conditions of this Order;

- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts;
or
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
13. The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

E. REPORTING AND RECORD KEEPING REQUIREMENTS

1. The discharger shall submit copies of all necessary approvals and/or permits for the project and mitigation projects from applicable government agencies, including, but not limited to, the California Department of Fish and Game, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers, prior to the start of clearing/grading.
2. The discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board.
3. The discharger shall furnish to the Regional Board, within a reasonable time, any information which the Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
4. Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.
5. All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:
 - a. The Report of Waste Discharge shall be signed as follows:
 - i For a corporation - by a principal executive officer of at least the level of vice-president.
 - ii For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - iii For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.
 - b. All other reports required by this Order and other information required by the Regional Board shall be signed by a person designated in paragraph (a) of this

provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:

- i The authorization is made in writing by a person described in paragraph (a) of this provision; and
 - ii The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
 - iii The written authorization is submitted to the Regional Board.
- c. Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

6. The discharger shall submit reports required under this Order, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123

F. NOTIFICATIONS

1. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.
2. These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.
3. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
4. The adoption of these waste discharge requirements constitutes certification of water quality certification for the project as described in this Order pursuant to Section 401 of the Clean Water Act.

This Order becomes effective on the date of adoption by the Regional Board

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on August 14, 2001.

TENTATIVE
JOHN H. ROBERTUS

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**TENTATIVE MONITORING AND REPORTING PROGRAM
NO. R9-2002-0179
FOR
PARDEE CONSTRUCTION COMPANY
PACIFIC HIGHLANDS RANCH PROJECT
SAN DIEGO COUNTY**

1. Construction monitoring reports shall be submitted quarterly during all grading activities associated with the proposed project. Construction monitoring reports shall include, but not be limited to the following:
 - a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. Summary of construction activities that include general locations, project component (e.g., school site, mitigation site), approximate acreage;
 - c. Quantification of impacts to waters of the U.S. authorized under this Order;
 - d. Dates, times, and names of qualified biologist(s) onsite;
 - e. Summary of any problems, resolution, and notification that occurred during this monitoring period; and
 - f. Photodocumentation, if necessary, of construction activities.
2. Mitigation monitoring and maintenance shall occur as defined in the provisions of this Order, and mitigation success has been agreed to in writing by the Regional Board and the U.S. Army Corps of Engineers. Monitoring shall begin immediately after the completion of the first planting period.
3. Mitigation monitoring reports shall be submitted quarterly during the first year following installation, semi-annually during the second and third years, and annually until mitigation has been deemed successful. Monitoring reports shall be submitted no later than 30 days following the end of the monitoring period. Monitoring reports shall include, but not be limited to, the following:
 - a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 - c. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - d. Photodocumentation from established reference points; and

- e. Other items specified in the draft and final Wetland and Riparian Mitigation and Monitoring Plan.

Monitoring Reports shall be submitted to:

California Regional Water Quality Control Board
Attn: Mo. Lahsaie
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, Ca 92123

Ordered by: _____TENTATIVE_____
JOHN H. ROBERTUS
Executive Officer